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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,434	09/01/2006	Toshifumi Inno	0649-1356PUS1	1720
2292 7590 04/02/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER ZIMMERMAN, JOSHUA D				
ART UNIT 2854		PAPER NUMBER		
NOTIFICATION DATE 04/02/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

**Application No.**

10/591,434

**Applicant(s)**

INNO ET AL.

**Examiner**

JOSHUA D. ZIMMERMAN

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 9/01/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (US 6426173).

3. Regarding claim 1, Shimizu et al. teach "an image recording method, comprising imagewise exposing a lithographic printing plate precursor with an imaging time per pixel of 1 millisecond or less (column 14, lines 53-57) using a laser light with an emission wavelength of from 250 nm to 420 nm (column 14, line 11), wherein the lithographic printing plate precursor comprises a support and an image recording layer, in which the image recording layer contains (A) a polymerization initiator and (B) a polymeric compound (column 5, lines 45-62) and is photosensitive in a wavelength of from 250 nm to 420 nm (column 7, lines 50-53), and the support has an anodized film with sealed micropores on the surface (column 7, lines 50-53 and paragraph bridging columns 7 and 8)."

4. Regarding claim 2, Shimizu et al. further teach "wherein the wavelength of the laser light is selected from 405 nm, 375 nm, 365 nm, 355 nm and 266 nm (column 14, line 11)."

5. Regarding claim 4, Shimizu et al. further teach "wherein the wavelength of the laser light is selected from 365 nm, 355 nm and 266 nm, (column 14, line 11) and the exposure is carried out in the inner-drum mode (column 5, lines 16-17)."
6. Regarding claim 5, Shimizu et al. further teach "wherein the image recording layer further contains (C) a binder polymer (column 5, lines 53-62)."
7. Regarding claim 6, Shimizu et al. further teach "a lithographic printing method, comprising: carrying out an on-press development by supplying a printing ink and/or a fountain solution to the exposed lithographic printing plate precursor which is obtained by the image recording method according to claim 1 (column 13, lines 51-62); and printing (column 13, lines 62-66)."
8. Regarding claim 7, Shimizu et al. teach "a platemaking method of a lithographic printing plate (title), comprising developing an exposed lithographic printing plate precursor with a developer (column 13, lines 62-66), wherein the exposed lithographic printing plate precursor is obtained by an image recording method comprising imagewise exposing a lithographic printing plate precursor with an imaging time per pixel of 1 millisecond or less (column 14, lines 53-57) using a laser light with an emission wavelength of from 250 nm to 420 nm (column 14, line 11), wherein the lithographic printing plate precursor comprises a support and an image recording layer, in which the image recording layer contains (A) a polymerization initiator and (B) a polymeric compound (column 5, lines 45-62) and is photosensitive in a wavelength of from 250 nm to 420 nm (column 5, lines 32-37)."

9. Regarding claim 8, Shimizu et al. further teach "wherein the support has an anodized film with sealed micropores on the surface (column 7, lines 50-53; paragraph bridging columns 7 and 8)."
10. Regarding claim 9, Shimizu et al. further teach "wherein the developer is a non-alkaline developer having a pH value of 10 or less (column 13, lines 52-66. Examiner notes that when water is used, this limitation is met)."
11. Regarding claim 10, Shimizu et al. further teach "wherein the image recording layer further contains (C) a binder polymer (column 5, lines 53-62)."
12. Regarding claim 11, Shimizu et al. further teach "wherein the binder polymer (C) does not have an acid group (paragraph bridging columns 6 and 7)."

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. in view of Shibuya et al. (US 2003/0077541) and Okazaki et al. (US 2004/0247011).

Regarding claim 3, Shimizu et al. teach all that is claimed, including the modulation of the solid-state semiconductor laser (column 4, lines 20-24). Shimizu et al fail to teach "wherein the exposure is carried out using an optical system comprising: a DMD or GLV

Art Unit: 2854

modulation element; and a semiconductor laser with a wavelength of 405 nm or 375 nm."

Shibuya et al. teach a photosensitive composition which is an improvement over the prior art composition used by Shimizu et al. which results in a printing plate which has excellent workability, profitability and storage stability and that is highly sensitive to inexpensive short wavelength semiconductor lasers having wavelengths between 350 and 450nm (paragraphs 9, 11, 12 and 205). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use the photosensitive composition of Shibuya et al. in the method of Shimizu et al. in order to achieve a printing plate which is sensitive to inexpensive short wavelength semiconductor lasers and which has excellent workability, profitability and storage stability.

Okazaki et al. disclose an exposure system for semiconductor lasers emitting at 405 nm (paragraph 89) used to expose printing plates (paragraph 111) which uses DMD or GLV modulation devices (paragraph 50). The system of Okazaki et al. is produced at low cost and is of a simple construction. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use the exposure system of Okazaki et al. in the modified method of Shimizu et al. in order to simply expose the printing plate and with low cost.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Judy Nguyen/  
Supervisory Patent Examiner, Art Unit 2854

Joshua D Zimmerman  
Examiner  
Art Unit 2854

jdz